

23022. Adulteration and misbranding of Antiseptic Mouth Wash and misbranding of Astringent Mouth Wash. U. S. v. 286 Bottles of Antiseptic Mouth Wash and 143 Bottles of Astringent Mouth Wash. Default decree of condemnation, forfeiture, and destruction. (F. & D. nos. 33116, 33117. Sample nos. 6401-B, 6402-B.)

This case involved drug products which were labeled with unwarranted curative and therapeutic claims. Tests of the Antiseptic Mouth Wash showed that it was not antiseptic when used according to directions.

On July 25, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 286 bottles of Antiseptic Mouth Wash and 143 bottles of Astringent Mouth Wash at New York, N. Y., alleging that the articles had been shipped in interstate commerce, on or about July 3, 1934, by the Pioneer Chemical Co., from Philadelphia, Pa., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. Both products were labeled in part: "Prepared for Majestic Laboratories, New York."

Analysis of the Antiseptic Mouth Wash showed that it consisted essentially of water, alcohol (21.45 percent), boric acid, benzoic acid, and flavoring materials including menthol, methyl salicylate, and eucalyptol. Bacteriological examination showed that it was not an antiseptic when diluted with an equal volume of water. Analysis of the Astringent Mouth Wash showed that it consisted essentially of small amounts of alcohol, zinc chloride, menthol, oil of cinnamon, and formaldehyde dissolved in water, and colored red.

The Antiseptic Mouth Wash was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "Antiseptic Mouth Wash * * * One teaspoonful to $\frac{1}{4}$ glass of water."

Misbranding of both products was alleged in that the following statements appearing in the labeling, regarding their curative or therapeutic effects, were false and fraudulent: (Antiseptic Mouth Wash) "A few drops on the tooth brush will keep the gums firm and healthy. To relieve Sore Throat or Tonsillitis"; (Astringent Mouth Wash) "To relieve Sore Throat or Tonsillitis."

On August 9, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and destruction of the products was ordered.

M. L. WILSON, Acting Secretary of Agriculture.

23023. Misbranding of Epsom salts tablet compound. U. S. v. 81 Counter Display Cards of Epsom Salts Tablet Compound. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 33130. Sample no. 6404-B.)

This case involved a product labeled to convey the impression that it depended for its physiological action upon its content of Epsom salt. Analysis showed that it contained phenolphthalein which would produce its principal laxative effect. The labels contained unwarranted curative and therapeutic claims.

On July 27, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 81 counter display cards, each containing 15 retail packages of Epsom salts tablet compound, at New York, N. Y., consigned on or about August 15, 1932, alleging that the article had been shipped in interstate commerce by the Warren Wholesale Co., from Warren, Pa., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Epsom Salts Tablet Compound * * * The Puritan Drug Mfg. Co., Columbus, Ohio."

Analysis of a sample of the article by this Department showed that it contained Epsom Salts (11.6 grains per tablet), and phenolphthalein (1.25 grains per tablet).

It was alleged in the libel that the article was misbranded in that the following statements appearing on the cartons were false and misleading: (Display carton) "Epsom Salts Tablet Compound * * * Two Tablets as Effective As a Tablespoonful of Epsom Salts * * * A Saline Laxative Nature's Laxative"; (package carton) "Epsom Salts Tablet Compound * * * Saline Laxative * * * Two Tablets as Effective as a tablespoonful of Epsom Salts." Misbranding was alleged for the further reason that the following statements appearing on the display card and carton were statements regarding the curative or therapeutic effects of the article and were false and fraudulent: (Display carton) "For * * * Headache, Dizziness, Biliousness, For Stomach, Liver, Bowels, Blood * * * For Headaches. For the Blood Best